

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

GREGORY LYNN WALLACE,

Plaintiff,

vs.

SILVER BOW COUNTY
ATTORNEY SHEA, JIM JESS, BEN
BOULEY, WALT HENNESSY, and
JOSH ZENT,

Defendants.

CV 20-47-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on April 15, 2020. (Doc. 4.) The Magistrate recommended the Court deny Gregory Wallace's application to proceed *in forma pauperis*. (*Id.* at 3.)

After reviewing the Findings and Recommendations, this Court does not find that the Magistrate committed clear error. Mr. Wallace has exceeded the three "strikes" allowed by the Prison Litigation Reform Act for a prisoner attempting to proceed *in forma pauperis* in a federal civil lawsuit. 28 U.S.C. § 1915(g). He therefore cannot proceed *in forma pauperis* in the instant case unless he can show he is in "imminent danger of serious physical injury." *Id.* He presents no factual allegations to plausibly suggest he is in such danger.

Mr. Wallace is not entitled to a fourteen-day period to object to the Magistrate's recommendation. *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998).

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 4) are ADOPTED IN FULL.

IT IS FURTHER ORDERED Mr. Wallace's Motion to Proceed in Forma Pauperis (Doc. 1) is DENIED.

The Clerk of Court is directed to enter judgment and close this matter if Mr. Wallace fails to pay the \$400.00 filing fee within 21 days of this Order.

DATED this 17th day of April, 2020.


Susan P. Watters
SUSAN P. WATTERS
United States District Judge